

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 85387-103	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/CA2005/000257	International filing date ( <i>day/month/year</i> ) 23 February 2005 (23.02.2005)	Priority date ( <i>day/month/year</i> ) 23 February 2004 (23.02.2004)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant SMITH, Gordon, O.		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i> .1(a).																								
2.	This REPORT consists of a total of 5 sheets, including this cover sheet.  In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 60%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input checked="" type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

<p style="text-align: center;">The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 29 August 2006 (29.08.2006)</p> <p>Authorized officer  <b>Athina Nickitas-Etienne</b></p> <p>e-mail: pt04@wipo.int</p>
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# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

*WIPO*

REC'D 21 JUL 2005

**PCT**

WIPO

PCT

To:  
ADE & COMPANY  
1700 - 360 Main Street  
WINNIPEG, Manitoba  
Canada, R3C 3Z3

*1/9*

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing 12 July 2005 (12-07-2005)  
(day/month/year)

Applicant's or agent's file reference  
85387-103

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
**PCT/CA2005/000257**

International filing date (day/month/year)  
23 February 2005 (23-02-2005)

Priority date (day/month/year)  
23 February 2004 (23-02-2004)

International Patent Classification (IPC) or both national classification and IPC  
IPC(7): B65D 88/28, B65D 90/54, B65D 21/024

Applicant  
SMITH, GORDON, O. ET AL

1. This opinion contains indications relating to the following items :

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Box No. I   | Basis of the opinion   |
| <input type="checkbox"/> Box No. II             | Priority   |
| <input type="checkbox"/> Box No. III            | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/> Box No. IV             | Lack of unity of invention   |
| <input checked="" type="checkbox"/> Box No. V   | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI             | Certain documents cited  |
| <input checked="" type="checkbox"/> Box No. VII | Certain defects in the international application   |
| <input type="checkbox"/> Box No. VIII           | Certain observations on the international application  |

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

- For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/CA  
Canadian Intellectual Property Office  
Place du Portage I, C114 - 1st Floor, Box PCT  
50 Victoria Street  
Gatineau, Quebec K1A 0C9  
Facsimile No.: 001(819)953-2476

Date of completion of this opinion  
22 June 2005 (22-06-2005)

Authorized officer  
Hillary Morrow (819) 953-0576

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/CA2005/000257

Box No. I      Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:
  - ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of :
  - a. type of material
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material
    - ☐ on paper
    - ☐ in electronic form
  - c. time of filing/furnishing
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in electronic form
    - ☐ furnished subsequently to this Authority for the purposes of search.
- 3 ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statement that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments :

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
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**Box No. V**      **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims 3-9, 11-14, 16 and 17	YES
	Claims 1, 2, 10, 15 and 18-20	NO
Inventive step (IS)	Claims 3-9, 11-14, 16 and 17	YES
	Claims 1, 2, 10, 15 and 18-20	NO
Industrial applicability (IA)	Claims 1-20	YES
	Claims NONE	NO

**2. Citations and explanations :**

US 6 401 983 B1 (MCDONALD et al.) 11 June 2002 (11-06-2002)

**Novelty (N)**

Claims 1, 2, 10, 15 and 18-20 do not comply with PCT Article 33(2). D1 discloses a stackable bulk cargo container comprising a structural frame defining a rectangular volume and forming a plurality of compartments therein wherein the plurality of compartments each comprise a hopper formed at the bottom of the each compartment, a gate member which selectively closes the chute opening of each of said compartments and a hatch opening at a top end of each compartment which is selectively covered by a hatch cover. Said compartments are formed of rigid structural materials.

Claims 3-9, 11-14, 16 and 17 do comply with PCT Article 33(2). D1 does not disclose and does not lend itself to incorporating load bearing members of the structural frame, structural sheeted material, planar side walls, operating linkages for gate members or hatch openings which may be fully contained within an area bound by the frame.

**Inventive Step (IS)**

Claims 1, 2, 10, 15, 18-20 do not comply with PCT Article 33(3). These claims are not novel and therefore do not involve an inventive step.

Claims 3-9, 11-14, 16 and 17 comply with PCT Article 33(3). These claims are considered to involve an inventive step since, having regard to the prior art, they are not, at the prescribed relevant date, obvious to a person skilled in the art.

**Industrial Applicability (IA)**

The subject matter of claims 1-20 is considered to be industrially applicable and fulfills the requirements of PCT Article 33(4).

**Box No. VII      Certain defects in the international application**

The following defects in the form or contents of the international application have been noted :

The abstract does not comply with Rule 8.1(d) of the PCT Regulations. Each technical feature mentioned in the abstract and illustrated by a drawing in the international application shall be followed by a reference sign, placed between parentheses.

The International Searching Authority has discovered in the international application what appear to be obvious errors as specified hereafter:

The term "amounting" on page 14 is not recognized as a proper English term and this is considered to be due to a typographical error.

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**1. Statement**

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Inventive step (IS)	Claims 3-9, 11-14, 16 and 17	YES
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Industrial applicability (IA)	Claims 1-20	YES
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**Novelty (N)**

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